

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

United States Court
Southern District of Texas
FILED

OCT 20 2020

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT

for the

District of

Division

Case No.

4:20-cv-3616

(to be filled in by the Clerk's Office)

Justin Augustus Stephens

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

City of Houston Police Department Chief of Police

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Justin Augustus Stephens

All other names by which
you have been known:

NA

ID Number

365591

Current Institution
Address

Montgomery County Sheriff

One Criminal Justice Drive

Emree

City

TX.

State

77301

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

City of Houston

Job or Title (*if known*)

Shield Number

Employer

Address

Houston

City

TX.

State

77002

Zip Code

☐ Individual capacity☒ Official capacity**Defendant No. 2**

Name

Houston Police Department

Job or Title (*if known*)

Shield Number

Employer

Address

741 San Jacinto

Houston

City

TX.

State

77002

Zip Code

☐ Individual capacity☒ Official capacity

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Defendant No. 3

Name

Sheriff Ed Gonzalez

Job or Title (if known)

Shield Number

Employer

Address

City of Houston

771 San Jacinto

Houston

City

TX

State

77042

Zip Code

☒ Individual capacity☐ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐ Individual capacity☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Fourth Amendment * Fed. R. Civ. P. 12(e)

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

The policies of defendants are what brings about my claim that the detention caused by the wrongful institution of the legal process ~~when the beer~~ was used, when the criminal proceedings ended in my favor. My claim is timely. June, 2019.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

In October of 2013, I suffered a warrantless arrest at a Fiesta Grocery near Moody Park. I was erroneously charged with felony theft. One ERAB beer is what prompts the officers to detain me. I was placed in the back of a Houston Police Department SUV and taken to Harris County Jail on October. The 351st district court's Judge Powell dis-

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

issued

NA

C. What date and approximate time did the events giving rise to your claim(s) occur?

This happened around October 1st 2018. In the evening time, I believe. Nine P.M. perhaps. June, 2019 dismissal.

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I was arrested and charged with felony theft. The officers of Fiesta Grocery took me in the upstairs video room. A transport vehicle was called. I was placed in the back seat of a Houston Police Department SUV black and white. This happened the same day I got released from Harris County Jail.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

NA

VI. Relief

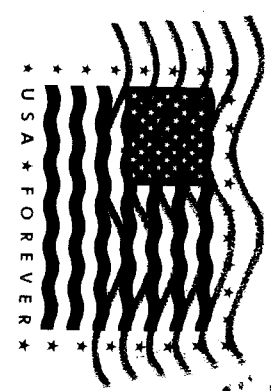
State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I would like to be made whole again by the court. I suffered mental anguish, loss of work, punitive damages, and I am requesting legal fees. I was recognized by the court as being pro se. Legal fees usually go somewhere around \$10K - \$20K. \$100 per day or so would be sufficient. I was in custody for around 90 days. PR banded, initially missed the fourth date (court) & was taken into custody.

Justin A. Stephens · 345591
M-501C*2d
CM: E. Minard Justin: Kevin
SM: * Texas 77371

United States Courts
Southern District of Texas
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20 2020
David J. Bradley, Clerk of Court

NORTH HOUSTON TX 773
9 OCT 2020 PM 2 L



United States
District Court * South
Dist. of Texas
P.O. Box 61414
Houston * Texas 77243

